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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DOUGLAS GENE HALDERMAN,

Defendant.

CASE NO. 1:21-CR-00242-ADA-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for Status Conference on October 25, 2023.
2. By this stipulation, defendant now moves to continue the case and set a status conference on January 24, 2024, at 1:00 p.m., and to exclude time between October 25, 2023, and January 24, 2024, at 1:00 p.m., under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]. The parties will be prepared to set a trial date at the next status conference if the case is not resolved prior to that date.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes reports, videos, photographs, and the recorded statement of the defendant. All of this discovery has been produced directly to counsel and/or made available for inspection. Further,

1 the government has conveyed a plea agreement to the defendant.

2 b) Counsel for defendant desires additional time to review discovery, conduct
3 investigation and research related to the charges, conduct research into any mitigating factors,
4 consult with his client, review the plea agreement, and to otherwise prepare for trial.

5 c) Defendant was diagnosed with Acute Myeloid Leukemia on April 1, 2021.
6 Defendant underwent chemotherapy from July 29, 2022 to October 2, 2022. Defendant
7 subsequently underwent surgery due to complications. Defendant began Consolidation (high
8 dose) Chemotherapy on November 29, 2022, and underwent a “full-intensity, bone-marrow
9 transplant” in January, 2023. Recovery from this procedure concluded in May 2023. The
10 defendant was not available to defense counsel for preparation or discussions.

11 d) The defendant was again hospitalized in September 2023. Although he has since
12 been discharged, the defendant has regular medical appointments making consultation with
13 defense counsel more difficult.

14 e) Counsel for defendant believes that failure to grant the above-requested
15 continuance would deny him the reasonable time necessary for effective preparation, taking into
16 account the exercise of due diligence.

17 f) The government does not object to the continuance.

18 g) Based on the above-stated findings, the ends of justice served by continuing the
19 case as requested outweigh the interest of the public and the defendant in a trial within the
20 original date prescribed by the Speedy Trial Act.

21 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
22 et seq., within which trial must commence, the time period of October 25, 2023 to January 24,
23 2024, at 1:00 p.m., inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv)
24 [Local Code T4] because it results from a continuance granted by the Court at defendant’s
25 request on the basis of the Court’s finding that the ends of justice served by taking such action
26 outweigh the best interest of the public and the defendant in a speedy trial.

27 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
28 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial

1 must commence.

2 IT IS SO STIPULATED.

3
4 Dated: October 17, 2023

PHILLIP A. TALBERT
United States Attorney

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7 /s/ ANTONIO J. PATAKA
ANTONIO J. PATAKA
Assistant United States Attorney

8
9 Dated: October 17, 2023

10 /s/ PETER JONES
PETER JONES
Counsel for Defendant
DOUGLAS GENE
HALDERMAN

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15 **ORDER**

16 IT IS SO ORDERED that the status conference is continued from October 25, 2023, to **January**
17 **24, 2024, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to
18 18 U.S.C. § 3161(h)(7)(A), B(iv). The Court will not grant further continuances, absent good cause, which
19 will be narrowly construed, and will set a trial date at the next status conference if the case is not resolved
20 in advance of that status hearing.

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22 IT IS SO ORDERED.

23 Dated: October 17, 2023

24 /s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE